

Town Board Minutes

September 17, 2018

Meeting No. 29

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of September 2018 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
DAWN GACZEWSKI, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
MATTHEW WALTER, COUNCIL MEMBER
JOHANNA COLEMAN, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
GERALD GILL, CHIEF OF POLICE
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 8:28 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a particular personnel matter.

At 8:44 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Adamy, Paula, spoke to the Town Board on the following matter:

- Comments regarding walking paths in private developments.

Cappella, Jeff, spoke to the Town Board on the following matter:

- Concerns regarding development and flooding issues.

Doetterl, Jeff, spoke to the Town Board on the following matter:

- Questions regarding no outlet signage.

Kaska, Julie, spoke to the Town Board on the following matter:

- Comments regarding developers responsibilities.

Kulpa, Ed, spoke to the Town Board on the following matter:

- Questions about sidewalk installation.

Ostroff, James, spoke to the Town Board on the following matters:

- Questions regarding sidewalk waivers.
- Concerns about snow removal and rodent control.

Schlager, Georgia, spoke to the Town Board on the following matter:

- Questions regarding the water line resolution.

Welch, Charles, spoke to the Town Board on the following matters:

- Comments regarding development off of Stutzman Road.
- Questions about water hydrants.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 – Special Use Permit –
Wreckmaster – 5550 Genesee Street

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY
COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Special Use Permit – Wreckmaster, Inc. 5550 Genesee Street matter.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Elizabeth Holmes, Representing Petitioner (Barclay Damon)	Proponent

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL
MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:19 P.M.

Decision on this matter was reserved.

September 17, 2018

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 – Community Development
Block Grant Funds

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED
BY COUNCIL MEMBER WALTER AND CARRIED, the public hearing was opened.

At 7:20 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Community Development Block Grant Funds matter.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL
MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:22 P.M.

Decision on this matter was reserved.

September 17, 2018

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 3 – Local Law One-Year
Moratorium Applications for Rezoning.

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY
COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:23 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Local Law One-Year Moratorium Applications for Rezoning.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Georgia Schlager	Proponent
Debbie Lemaster	Proponent
Jennifer Tulumello	Questions

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL
MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:36 P.M.

Decision on this matter was reserved.

September 17, 2018

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held September 4, 2018 and the Regular Meeting of the Town Board held September 4, 2018 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 53937 to Claim No. 54098 Inclusive

Total amount hereby authorized to be paid: \$1,159,859.73

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER WALTER, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
28839		Gail Slisz	255 Aurora St	Er. Fence	(V/L)
28840		James Manuella	22 Hidden Meadow Cros	Er. Shed	
28841		Mark Stephen	5394 William St	Er. Fence	
28842		Christopher Nicastro	368 Lake Ave	Re-Roof	
28843		Buffalo's Best Roofing	65 Sawyer Ave	Re-Roof	(V/L)
28844		Janet Brick	1502 Townline Rd	Re-Roof	
28845		Jason & Sherry Swenson	10 Rose St	Er. Fence	
28846		Jeff DLM Conesus Lake Assoc.	60 Waltham Ave	Dumpster - Temp.	(V/L)
28847		Switala's Siding Cedar Inc.	10 Pauline Ct	Re-Roof	
28848		Jason & Sherry Swenson	10 Rose St	Er. Pool-In Grnd	
28849		Jamison Haaf	32W Drullard Ave	Er. Pool-In Grnd	(V/L)
28850		Jamison Haaf	32W Drullard Ave	Er. Fence	(V/L)
28851		Comfort Sunrooms & Enclosures	5176 William St	Er. Deck	
28852		Sitzmans Appliance Center	19 Pelham Rd	Inst. Generator	
28853		Debra Moore	18 Fairfield Ave	Er. Res. Alt.	(V/L)
28854		Mark & Karen Fofi	13 Hunters Dr	Er. Fence	
28855		Timothy & Erin Kowalow	75 Avian Way	Er. Shed	
28856		Kevin Kush	141 Robert Dr	Er. Deck	(V/L)
28857		Dennis Sommer	22 Cherryfield Ln	Inst. Generator	
28858		Daniel McFarland	143 Wendel St	Er. Res. Alt.	
28859		Schuster Construction LLC	32 Magrum Ln	Er. Res. Add.	
28860		Marrano/Marc Equity Corp.	12 Cherryfield Ln	Er. Patio Home	
28861		Marrano/Marc Equity Corp.	3 Saybrook Dr	Er. Patio Home	
28862		Town of Lancaster IDA	16 Lancaster Pkwy	Inst. Ingrnd. Sprinkler	
28863		Marrano/Marc Equity Corp.	9 Saybrook Dr	Er. Patio Home	
28864		Marrano/Marc Equity Corp.	21 Saybrook Dr	Er. Patio Home	
28865		Marrano/Marc Equity Corp.	22 Saybrook Dr	Er. Patio Home	
28866		Marrano/Marc Equity Corp.	29 Saybrook Dr	Er. Patio Home	
28867		ECC Electrical Construction	5 Hillside Pky	Inst. Generator	
28869		Alice Kihl	37 St John St	Er. Shed	(V/L)
28870		Besroi Construction	63 First Ave	Re-Roof	(V/L)
28871		David Szczesny	28 Quail Hollow	Er. Pool-In Grnd	
28872		Christopher Giglio	5270 William St	Er. Deck	
28873		David Chase	174 Siebert Rd	Er. Shed	
28874		Beauty Pools Inc.	64 Erie St	Er. Fence	(V/L)
28875		Beauty Pools Inc.	64 Erie St	Er. Pool-In Grnd	(V/L)
28876		Majestic Pools Inc.	35 Old Post Rd	Er. Fence	
28877		Majestic Pools Inc.	35 Old Post Rd	Er. Pool-In Grnd	
28878		Majestic Pools Inc.	25 Americo Ct	Er. Fence	
28879		Majestic Pools Inc.	25 Americo Ct	Er. Pool-In Grnd	
28880		Buffalo Roofing Co., LLC	346 Broezel Ave	Re-Roof	
28881		Grabenstatter AG	781 Schwartz Rd	Inst. Generator	
28882		Weaver Metal & Roofing Inc.	21 Central Ave	Re-Roof	(V/L)
28883		Sturdi Built Sheds LLC	38 Crabapple Ln	Er. Shed	
28884		Thomas Downing	1 Magrum Ln	Er. Shed	
28885		Joan Jimerson	43 Southpoint Dr	Er. Shed	
28886		Wilde Art Custom Vinyl Graphic	63 Central Ave	Er. Comm. Add	(V/L)
28887		Peter & Patricia Kowalski	38 Hill Valley Dr	Inst. Ingrnd. Sprinkler	
28888		Michael Lorigo	14 Blackstone Ct	Inst. Ingrnd. Sprinkler	
28889		Sitzmans Appliance Center	747 Schwartz Rd	Inst. Generator	
28890		Richard Butler	66 Old Post Rd	Er. Fence	

28891	Schuster Construction LLC	40 Newberry Ln	Er. Res. Add.
28892	Frank Ciccia	33 Hill Valley Dr	Re-Roof
28893	Gen-Tech Power Systems LLC	21 Stutzman Rd	Inst. Generator
28894	Solar Liberty Energy Systems 1	4 Fox Hunt Rd	Inst. Solar Panels
28895	P.F.N., LLC	5263 Broadway	Er. Sign – Temp (V/L)
28896	Buffalo Roofing Co., LLC	68 Trentwood Trl N	Re-Roof
28897	Buffalo Roofing Co., LLC	232 Iroquois Ave	Re-Roof
28898	Nathan Szatkowski	22 Weathersfield Ln	Er. Fence
28899	John Cummings	5207 Broadway	Er. Comm.Alt./Sign (V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Erie County Water Authority (ECWA) has recommended to the Town that it replace the Pavement Road water main running between Walden Avenue and Genesee Street, within the Town of Lancaster, and

WHEREAS, the ECWA owns a portion of the Pavement Road water main between Walden Avenue and Middlebury Lane which extends approximately 2,745 linear feet and intends to replace this portion as well, and

WHEREAS, the ECWA and the Town desire to enter into a cooperative agreement to coordinate and facilitate the Pavement Road (between Walden Avenue and Genesee Street) Water Main Replacement Project, to achieve cost containment and efficiency, and

WHEREAS, ECWA has prepared the cooperative agreement which includes reimbursement by ECWA to the Town for costs associated with replacement of ECWA-owned water main located between Walden Avenue and Middlebury Lane, and

WHEREAS, the Town Attorney has reviewed the terms and conditions of the proposed contract with the Erie County Water Authority and given his approval;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized to execute the agreement between the Town of Lancaster and the Erie County Water Authority for the replacement of the Pavement Road water line between Walden Avenue and Genesee Street including the portion of the Pavement Road water line from Walden Avenue and Middlebury Lane which is owned by the Erie County Water Authority, and

2. Authorize the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to implement the terms and conditions of the Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, the Town Board is considering the construction of a new canopy over restriped parking spaces on property located at 4975 Transit Road (SBL No. 115.03-1-16.21), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQRA regulations at their meeting on September 4, 2018 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled a “Type I” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed project described as the construction of a new canopy over restriped parking spaces on property located at 4975 Transit Road (SBL No. 115.03-1-16.21) will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney’s Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: September 17, 2018

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Lancaster has reviewed the proposed construction a new canopy over restriped parking spaces on property located at 4975 Transit Road (SBL No. 115.03-1-16.21). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Walmart Canopy.

Location of Action: 4975 Transit Road (SBL No. 115.03-1-16.21)
Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: The restriping of existing eight (8) parking spaces to (6) 12' -0" wide spaces and construct a new canopy over restriped parking spaces.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. **Impact on land - No impact.**
2. **Impact on Geological Features – No impact.**
3. **Impacts on Surface Water – Small impact.**
4. **Impact on Groundwater – No impact.**
5. **Impact on Flooding – No impact.**
6. **Impact on Air – No impact.**
7. **Impact on Plants and Animals – No impact.**
8. **Impact on Agricultural Resources – No impact.**
9. **Impact on Aesthetic Resources – No impact.**
10. **Impact on Historic and Archeological Resources – No impact.**
11. **Impact on Open Space and Recreation – No impact.**

- 12. Impact on Critical Environmental Areas – N/A**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – No impact.**
- 15. Impact on Noise, Odor and Light – No impact.**
- 16. Impact on Human Health – No impact.**
- 17. Consistency with Community Plans – No impact**
- 18. Consistency with Community Character – No impact.**

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town Board is considering construction of a cider facility consisting of stone driveway, parking lot, new concrete sidewalk and patio to be located at 4493 Walden Avenue, (SBL No.95.00-4-20.1) in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this restoration project pursuant to SEQR regulations at their meeting on September 4, 2018 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the renovation, using the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project is described as the construction of a cider facility consisting of stone driveway, parking lot, new concrete sidewalk and patio to be located at 4493 Walden Avenue, (SBL No.95.00-4-20.1) will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: September 17, 2018

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Lancaster has reviewed the proposed construction of a cider facility consisting of stone driveway, parking lot, new concrete sidewalk and patio to be located at 4493 Walden Avenue, (SBL No.95.00-4-20.1). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Cider Facility

Location of Action: 4493 Walden Avenue, (SBL No. 95.00-4-20.1), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The construction of a proposed stone driveway and parking lot with paved asphalt handicapped parking spaces. Construction also includes new concrete sidewalk and patio.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.

8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the developer has requested the Town Board of the
Town of Lancaster accept work completed under Street Lighting Public Improvement within
The Cross Creek Subdivision Phase VI, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and
has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated
September 4, 2018, has reported his favorable review for the acceptance of this public
improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public
Improvement within the Cross Creek Subdivision Phase VI, be and is hereby approved and
accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 792 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town
Clerk to the New York State Electric & Gas Corporation with a request to energize the street
lights herein.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the developer has requested the Town Board of the
Town of Lancaster accept work completed under Street Lighting Public Improvement within
The Cross Creek Subdivision Phase VII, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and
has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated
September 6, 2018, has reported his favorable review for the acceptance of this public
improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public
Improvement within the Cross Creek Subdivision Phase VII, be and is hereby approved and
accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 793 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town
Clerk to the New York State Electric & Gas Corporation with a request to energize the street
lights herein.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, Wolf's Nursery, Inc., 6083 Fisk Rd, Lockport, NY 14094 the contractor awarded the clearing, cutting and land grading of the Town-owned detention basins on Pheasant Run Lane has submitted Change Order No. 1 in the amount of \$6,500.00 to the Town Board for their approval, based on the description of work previously provided to the Town Board.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to **Wolf's Nursery, Inc.**, with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 1:

Additional compensation to re-establish center ditch and pipe protection.

CHANGE ORDER NO. 1:

The original Contract Sum was	\$	31,465.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	6,500.00
The new Contract Sum increased including this Change Order will be	\$	37,965.00, and

BE IT FURTHER,
RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster, and

BE IT FURTHER,
RESOLVED, that the 2018 adopted budget for the Town of Lancaster be and hereby is amended to increase appropriations in the Drainage budget to fund the above Change Order as follows:

GENERAL FUND – TOWNWIDE	Increase
A599 Appropriated Fund Balance	\$6,500
A960 Appropriations	\$6,500
A8540.411 Drainage – Work by outside contractors	\$6,500

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, Fairway Hills Development, LLC, of 2730 Transit Road, West Seneca, New York 14224 has heretofore applied for approval of a 55 +/- private single family patio home development to be known as “Summerfield Farms Phase 8 Subdivision” located at 0 William Street (SBL No. 127.00-4-44.1, 127.00-4-1.11 & 127.00-4-46) in the Town of Lancaster, and

WHEREAS, the Preliminary Plat was submitted to the Planning Board and was approved at their May 2, 2018 meeting, and

WHEREAS, the Town, acting as lead agency previously completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations for the rezone of said real property and issued a Negative Declaration on August 18, 2014, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern and the developer has provided an updated Environmental Impact Determination for the Summerfield Farms Phase 8 Subdivision dated February 20, 2018, which include **decreases in**: the total lot count by 17 lots, the water demand by 7,650 gpd, the sanitary waste generation by 5,100 gpd, the impact on NYSDEC Wetland LA-17 by \pm 1.9 acres, and the site disturbance by \pm 4.7 acres, and

WHEREAS, based on the Environmental impacts having been reduced from what was previously proposed the Town Board of the Town of Lancaster has decided to re-affirm the Negative Declaration previously issued on August 18, 2014, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

NOW, THEREFORE,

BE IT RESOLVED as follows:

That the Town Board of the Town of Lancaster hereby approves the proposed 55 +/- private single family patio home development Preliminary Plat as prepared by GPI Engineering, Landscape Architecture & Surveying, LLP, dated April 7, 2017 and filed with the Town Clerk on April 28, 2017, with a revision date of June 13, 2017 for said development to be known as the “Summerfield Farms, Phase 8 Subdivision” with the following conditions:

- a. Home Owners Association to be created and functioning appropriately and contact information for said entity be provided to the Town.
- b. Updated plans to reflect current Erie County standards and any project changes.
- c. Proof of Erie County Water Authority approval.
- d. Proof of Erie County Department of Environment and Planning and Division of Sewerage Management approvals.
- e. New York State Department of Environmental Conservation Wetland Permit.
- £. An updated Traffic Impact Study will be required should any construction occur beyond December 31, 2027.

- g. Required topsoil volume computations shall be provided per the Town's adopted Subdivision Regulations.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Richard Groblewski, Chairman of the 2018 Lancaster Garden Walk Committee has offered to donate two (2) Dogwood Trees, valued at not more than \$500.00, to be planted on the grounds of the Lancaster Town Library in memory of Leo “Jack” and Betty Stellrecht who were long time Town residents and participants in the Garden Walk since its inception, and

WHEREAS, The Town of Lancaster’s Parks, Recreation and Forestry Department will be digging the hole and staking the trees donated by the 2018 Lancaster Garden Walk Committee, and

WHEREAS, after due consideration, the Town Board of the Town of Lancaster graciously accepts this generous donation in memory of Leo “Jack” and Betty Stellrecht.

NOW, THEREFORE,

BE IT RESOLVED that the Town Board of the Town of Lancaster hereby accepts the donation from the 2018 Lancaster Garden Walk Committee of two (2) Dogwood trees in memory of Leo “Jack” and Betty Stellrecht, which will be planted on the grounds of the Lancaster Town Library by the Town’s Parks, Recreation and Forestry Department with a total value of not more than \$500.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has a right and responsibility to be certain all laws, rules, and regulations are complied with involving matters impacting Town residents; and

WHEREAS, Superior Pallets of 3981 Walden Ave, Lancaster NY 14086 has been cited for numerous Property and Fire Code violations over the past calendar year with little to no progress being shown with respect to remedying the issues; and

WHEREAS, based on the most current review of the existing conditions it is the Town's belief that there exists the potential for harm to the community and environment at the property site; and

WHEREAS, the Town desires to hire Hodgson Russ, LLP as outside counsel for the purpose of commencing this action on the Town's behalf and pursuing these penalties from the Owners.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster as follows:

1. Commencement and prosecution of an action in State Supreme Court is hereby authorized and approved against the Owners (and any other party determined to be liable) for the purpose of recovering penalties related to the Owners' failure to comply with previously agreed upon site plan conditions and General Code Regulations.

2. This Resolution shall be effective immediately.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has a right and responsibility to be certain all laws , rules, and regulations are complied with involving matters impacting Town residents; and

WHEREAS, in 2016 the Town of Lancaster entered into a Consent Order and Judgment with PM Peppermint Inc of 31 Peppermint Rd, Lancaster NY 14086 with respect to the company's ongoing operations at that site; and

WHEREAS, the Consent Order and Judgment was signed by both parties as well as by the Honorable Mark J. Grisanti on September 1, 2016. Said Order and Judgment was filed in the Erie County Clerk's Office on September 1, 2016. Within said Order PM Peppermint agreed to adhere to numerous conditions regarding the operation of its business; and

WHEREAS, The Town has been notified that PM Peppermint is in violation of one or more of those previously agreed upon conditions thereby violating the consent Order and Judgment; and

WHEREAS, the Town of Lancaster desires to hire Hodgson and Russ LLP as outside counsel for the purposes of enforcing the conditions previously agreed upon in the Consent Order and Judgment.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster as follows:

1. Commencement and prosecution of an action in State Supreme Court is hereby authorized and approved against the Owners (and any other party determined to be liable) for the purpose of recovering penalties related to the Owners' failure to comply with the previously filed Consent Order and Judgement.

2. This Resolution shall be effective immediately.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing on September 17, 2018, pursuant to Chapter 50-Zoning, Section 20 (B)(1)(e) of the Code of the Town Lancaster, upon the application of **Wreckmaster, Inc.**, for a Special Use Permit to operate an outdoor Vehicle Recovery Training Area and Storage Yard on premises located at 5550 Genesee Street in the Town of Lancaster, Erie County, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE,

BE IT RESOLVED, that to Chapter 50-Zoning, Section 20 (B)(1)(e), entitled "Commercial and Motor Service District (CMS)" of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Wreckmaster, Inc.**, to operate an outdoor Vehicle Recovery Training Area and Storage Yard on premises located at 5550 Genesee Street in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance and the following conditions:

1. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before September 16, 2020.
2. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
3. Applicant will obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided.
4. Areas utilized for training will be maintained as grasslands. Occupants will be required to pave the area if the vegetation deteriorates.
5. Unregistered vehicles will be stored in the rear lot area as shown on the approved site plan when not in use.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

PREFILED RESOLUTION NO. 15 MEETING OF 9/17/2018

Coleman/_____Deny Zoning Map Change Re: Petition Of Uniland Development
Company 4106 Walden Avenue

At the request of the Developer this resolution was withdrawn.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Steven Metz and Beauty Pools have offered to donate a memorial stone to be placed at Keysa Park located at Brady Avenue and Vandenberg Avenue in the Town of Lancaster, and

WHEREAS said memorial stone will be set and placed by Wagner Monuments in coordination with Beauty Pools, and

WHEREAS, by letter dated September 11, 2018 Park Crew Chief, Michelle Barbaro has requested that the Town accept the donation of the memorial stone and its setting, valued at not more than \$3,220.00 for placement at Keysa Park, and

WHEREAS, after due consideration, the Town Board of the Town of Lancaster has determined that it can make use of such a donation and that it is the interest of the community to accept this generous donation.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the donation of the memorial stone and its setting from Steven Metz and Beauty Pools valued at not more than \$3,220.00 for placement at Keysa Park by Wagner Monuments.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	* RECUSED

* Supervisor Coleman recused herself because she is a relative of the donor.

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, A Public Hearing was held on June 5, 2017 on the petition of **David Kulbacki, of TDB Properties, LLC**, for the rezone of a parcel of land locally known as 00 Como Park Boulevard (SBL No. 115.10-1-1.1), Lancaster, New York from Residential District Two (R-2) to Multifamily Residential District Three (MFR-3), and

WHEREAS, the Planning Board of the Town of Lancaster recommended approval of the rezone at its March 15, 2017 meeting, and

WHEREAS, a SEQR review was completed on the proposed rezone on July 16, 2018 and on August 6, 2018 a Negative Declaration was issued, and

WHEREAS, notices of said Hearings were duly published and posted,
and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE
BE IT RESOLVED,**

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential District Two (R-2) to Multifamily Residential District Three (MFR-3) with the following condition:

- That Site Plan (#1666) be approved. Should extensive changes be indicated on subsequent site plan submissions the Town reserves the right to rescind this rezone and return the real property herein described to its original zoning.

00 Como Park Boulevard (SBL No. 115.10-1-1.1)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 9, Section 10, Township 11, Range 6 of the Holland Land Company's Survey and according to the map filed in the Erie County Clerk's Office under cover 604, is known as part of Subdivision Lots 55 and 56 and all of Subdivision Lots 65, 66, 75, 76, 85, 86, 95 and 96 in Block B, more particularly bounded and described:

Beginning at the intersection of the south line of Como Park Boulevard as a 100 foot wide right of way with the west line of Lot 54 of said Map;

Thence along the west line of lots 97, 94, 87, 84, 77, 74, 67, 64 and 57 S 1°57'29"W a distance of 261.46 feet to a point;

Thence N 88°00'50"W a distance of 167.79 feet to a point on the west line of the former Wendell Street;

Thence along the west line of the former Wendell Street N 2°17'34"E a distance of 242.81 feet to a point on the south line of Como Park Boulevard as a 100 foot wide right of way;

Thence along the south line of Como Park Boulevard as a 100 foot wide right of way, N 85°35'20"E a distance of 167.40 feet and the POINT OR PLACE OF BEGINNING.

Property to be rezoned from R-2 to MFR-3 consists of approximately .967 acres.

2. That said Ordinance Amendment be added in the Minutes of the meeting of the Town Board of the Town of Lancaster held on the 17th day of September 2018;
3. That a certified copy thereof be published in the Official Newspaper of Town of Lancaster pursuant to Town Law;
4. That Affidavits of Publication be filed with the Town Clerk; and
5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	NO

September 17, 2018

**LEGAL NOTICE
ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
DAVID KULBACKI, OF TDB PROPERTIES, LLC
00 COMO PARK BOULEVARD, TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from Residential District Two (R-2) to Multifamily Residential Three (MFR-3) for the property known as 00 Como Park Boulevard (SBL No. 115.10-1-1.1) within the Town of Lancaster, New York.

September 20, 2018

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY that I, Diane M. Terranova, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 17th day of September 2018 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 17th day of September 2018.

Diane M. Terranova, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, David Kulbacki of TDB Properties, LLC has submitted a site plan prepared by Tredo Engineers, PC, dated February 27, 2017 and received February 28, 2017 for the proposed construction of a single-story, six (6) unit Townhouse styled apartment building with associated parking, utilities and landscape improvements, to be known as **Como Park Townhouse Development** located at 00 Como Park Boulevard (SBL No. 115.10-1-1.1) in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their January 17, 2018 meeting, and

WHEREAS, the Town, acting as lead agency has completed an environmental review for the rezone and site plan on July 16, 2018, in conformance with SEQR (State Environmental Quality Review) regulations and on August 6, 2018 a Negative Declaration was issued.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by David Kulbacki of TDB Properties, LLC and prepared by Tredo Engineers, PC, dated February 27, 2017 and received February 28, 2017 for the proposed construction of a single-story, six (6) unit Townhouse styled apartment building with associated parking, utilities and landscape improvements, to be known as **Como Park Townhouse Development** located at 00 Como Park Boulevard (SBL No. 115.10-1-1.1), with the following conditions:

1. Property owner to return two (2) executed originals of the Stormwater Control Facility Maintenance Agreement to the Town Attorney's Office.
2. Contractor to provide a Stormwater Management Performance guarantee and a Maintenance guarantee listing the Town of Lancaster as beneficiary as required per Town Code §42-8(A)(B)(C).
3. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
4. Contractor shall provide buffers to the properties on the East and pedestrian protection at the Stormwater facility as stated during the review process.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the Stormwater Control Facility Maintenance Agreement for this project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	NO

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER WALTER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

NOW THEREFORE,
BE IT RESOLVED, the Town Board of the Town of Lancaster (a) hereby approves, as presented, the 2018-2019 Tactical Diversion Squad Task Force Agreement and the Appendix E1 Case Specific Tactical Diversion Task Force Agreement, between the Town of Lancaster and the United States Department of Justice, Drug Enforcement Administration, and (b) hereby authorizes Gerald J. Gill, the Town's Chief of Police, to execute said Agreements on behalf of the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Town Justices Jeremy A. Colby and Anthony J. Cervi, by letter dated September 10, 2018, have recommended the appointment of the following individuals to the position of Court Officer part-time permanent in the Town Justice Court Department of the Town of Lancaster; and

WHEREAS, the following individuals qualify for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of Court Officer part-time permanent in the Town Justice Court Department in the Town of Lancaster, contingent upon approval by Erie County Department of Personnel, working not more than nineteen and three-quarter hours per week and that these being part-time positions, provide no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Michael Morris Depew, NY	Court Officer	\$18.00	September 20, 2018
Brian MacPeek Lancaster, NY	Court Officer	\$18.00	September 20, 2018

BE IT FURTHER,

RESOLVED, that when Mr. Morris and Mr. MacPeek are called upon to serve as Court Officers, they shall receive a minimum of three (3) hours pay, or pay for the actual number of hours worked, whichever is greater, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated September 11, 2018, has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Parks, Recreation and Forestry Department, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Tyler Landahl (rehire) Lancaster, NY	Lifeguard	\$12.50	September 24, 2018
Robert Wilkowski (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
James Wilkowski (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
James Zagarrio (rehire) Lancaster, NY	Lifeguard	\$12.50	September 24, 2018
Kristina Doetterl (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Kiernan Coyne (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Devan Atkinson (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Madeline Wnuk (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Erin Sullivan (rehire) Depew, NY	Lifeguard	\$14.00	September 24, 2018
Michaela Wozniak (rehire) Lancaster, NY	Lifeguard	\$14.00	September 24, 2018
Berkeley Kozuch (rehire) Depew, NY	Lifeguard	\$14.00	September 24, 2018
Lia Franzone (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018

Kristen Morgus (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Michaela Morgus (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Alexis Petit (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Mary Banks (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Olivia Prusaczyk (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Abriana Will (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Konstantin Nikolov (rehire) Lancaster, NY	Lifeguard	\$12.00	September 24, 2018
Noah Speyer (rehire) Lancaster, NY	Laborer	\$12.00	September 24, 2018
Noah Gerstein (rehire) Lancaster, NY	Laborer	\$12.00	September 24, 2018

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the property owners of 4841 William Street, have requested that the Town Board of the Town of Lancaster waive the requirement for the installment of sidewalks as stated in §12-1(B)(1) of the Town Code, and

WHEREAS, by letters dated September 13, 2018, Matthew Fischione, Code Enforcement Officer, has recommended approval of this request in order to maintain consistency with the existing character of the area, and

WHEREAS, after reviewing the project and considering the opinion of the Code Enforcement Officer, the Town Board of the Town of Lancaster has determined this to be a reasonable request;

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster hereby exercises its right as stated in §12-1(B)(1) of the Town Code, and grants a waiver of the requirement for the installation of sidewalks along the street frontage for lot located at 4841 William Street (SBL No. 115.18-4-3), within the Town of Lancaster and is conditioned as follows:

- This waiver is effective immediately and shall remain in effect so long as it's not prohibited by any Town, County, State or Federal law or regulation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

September 17, 2018

COMMUNICATIONS & REPORTS

- 563. NYSEG to Supervisor –
Safety information regarding natural gas transmission pipelines in our area.
Disposition = Received & Filed**
- 564. Charter Communications to Supervisor –
Channel lineup changes for customers in our community.
Disposition = Received & Filed**
- 565. Dog Control Officer to Town Clerk –
Dog report for August 2018. Disposition = Received & Filed**
- 566. Scott Smith to Town Board –
Public safety concerns in Summerfield Farms Phase 5.
Disposition = Police Chief & Police Captain**
- 567. Paul D’Orlando, Erie County Dept. of Environment and Planning to Supervisor –
Information regarding three public forums to determine the needs and priorities
for low and moderate income residents within the Erie County Community
Development (CD) Block Grant Consortium. Disposition = Received & Filed**
- 568. Code Enforcement Officer to Drainage & Storm Sewer Committee –
Drainage report (MS4 report) for August 2018.
Disposition = Drainage Committee**
- 569. Town Engineer to Town Board –
Recommend Change Order No. 1 from Wolf’s Nursery, Inc. for Pheasant Run
Basin Rehabilitation. Disposition = Resolution 9/17/18**
- 570. Erie County Dept. of Public Works to Supervisor –
Notice of road closure of Town Line Road from Walden Ave. to Westwood Rd.
on September 19, 2018 from 8:00AM to approximately 4:00PM.
Disposition = Received & Filed**
- 571. Lieutenant R.J. Rozler, Traffic Coordinator to Supervisor --
Response to letters expressing concerns about amount of traffic and speeding
vehicles on Stutzman Road. Disposition = Public Safety Committee Chairman**
- 572. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Environment & Planning
regarding Thoman Asphalt Addition, 56 Gunnville Road, Proj. #1637.
Disposition = Planning Committee**
- 573. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Department of Health regarding Thoman
Asphalt Addition, 56 Gunnville Road, Proj. #1637.
Disposition = Planning Committee**
- 574. Town Attorney to Town Board and Planning Board –
SEQR responses from Erie County Division of Sewerage Management and
Department of Environment & Planning regarding Linguine’s Restaurant,
5354 Genesee St. Disposition = Planning Committee**
- 575. Town Attorney to Town Clerk –
Transmittal of Maintenance Bonds for Street Lights public improvement for
Cross Creek Subdivision, Phase 6 and request for resolution accepting Public
Improvement Permit #792 (Street Lights) for Cross Creek Subdivision, Phase 6.
Disposition = Resolution 9/17/18**
- 576. Town Engineer to Town Board –
Revised Site Plan for Cider Facility, 4493 Walden Avenue is acceptable.
Disposition = Planning Committee**

- 577. Code Enforcement Officer to R&D Contracting/Brownstone Homes –
Copy of letter stating that Certificate of Occupancy for 12 Blackstone Court dated February 2018 is revoked until current grading condition is resolved and in compliance. Disposition = Received & Filed**
- 578. Park Crew Chief to Town Board –
Request for resolution to accept donation to the Town of two Dogwood trees from Richard Groblewski, 14 Lombardy St., Lancaster, NY.
Disposition = Resolution 9/17/18**
- 579. Town Attorney to Town Board and Planning Board –
SEQR response from NYSDEC regarding Linguine’s Restaurant, 5354 Genesee Street. Disposition = Planning Committee**
- 580. Town Attorney to NYSDEC, Erie County DPW, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management and Erie County DEP –
Request for lead agency designation regarding Apple Rubber Products (Addition), 204 Cemetery Road. Disposition = Planning Committee**
- 581. Town Attorney to Town Clerk –
Transmittal of Maintenance Bonds for Street Lights public improvement for Cross Creek Subdivision, Phase 7 and request for resolution accepting Public Improvement Permit #793 (Street Lights) for Cross Creek Subdivision, Phase 7. Disposition = Resolution 9/17/18**
- 582. Town Clerk to Various News Media –
Press Release announcing that the Lancaster Town Board will be conducting fire inspections with the Office of Emergency Management and the four fire companies on September 24, 2018 at Bowmansville V.F.A., 36 Main St., Bowmansville, NY. Disposition = Received & Filed**
- 583. Office of the Erie County Legislature to Diane M. Terranova, Receiver/Collector of Taxes –
School Tax Warrant for 2018 – 2019 for Alden Central School District #1. Disposition = Received & Filed**
- 584. Office of the Erie County Legislature to Diane M. Terranova, Receiver/Collector of Taxes –
School Tax Warrant for 2018 – 2019 for Clarence Central School District. Disposition = Received & Filed**
- 585. Office of the Erie County Legislature to Diane M. Terranova, Receiver/Collector of Taxes –
School Tax Warrant for 2018 – 2019 for Depew Union Free School. Disposition = Received & Filed**
- 586. Office of the Erie County Legislature to Diane M. Terranova, Receiver/Collector of Taxes –
School Tax Warrant for 2018 – 2019 for Iroquois Central School District #1. Disposition = Received & Filed**
- 587. Office of the Erie County Legislature to Diane M. Terranova, Receiver/Collector of Taxes –
School Tax Warrant for 2018 – 2019 for Lancaster Central School District #1. Disposition = Received & Filed**
- 588. Town Clerk to Town Board –
Town Clerk Monthly Report for August 2018. Disposition = Received & Filed**

589. Iroquois Central School District to Town Clerk –
Copy of approved resolution by Iroquois Central School District Board of Education to accept partial payment in any amount for payment of property taxes. Disposition = Received & Filed
590. Park Crew Chief to Town Board –
Request for resolution to accept a donation of a memorial stone from Beauty Pools and the Steven Metz family to be placed at Keysa Park.
Disposition = Resolution 9/17/18
591. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –
Notice of SEQR Review Meeting regarding Thomas Asphalt (Addition) & Office Renovation, 56 Gunnville Rd., Proj. #1637 on September 17, 2018.
Disposition = Received & Filed
592. Planning Board Chairman to Town Board, Planning Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of minutes from September 5, 2018 Planning Board meeting.
Disposition = Planning Committee
593. Planning Board to Town Board –
Memo recommending approval of Amended Site Plan for Apple Rubber Products, Inc., 204 Cemetery Rd., Proj. #2562; conditions noted.
Disposition = Planning Committee
594. Planning Board to Town Board –
Memo recommending denial of Concept Plan & Rezone for Eastport Residential Development, Pleasantview Dr. & Pavement Rd; comments noted.
Disposition = Received & Filed
595. Town Clerk to Various News Media –
Notice of Special Meeting of the Municipal Review Committee regarding SEQRA Review for Thomann Asphalt, 56 Gunnville Rd. on September 17, 2018 at 6:15PM. Disposition = Received & Filed
596. Delta Sonic Car Wash Systems, Inc. to Supervisor and Town Board –
Request for 90-day extension for building permit issuance for Delta Sonic Carwash Facility, 4817 Transit Road, Lancaster, NY.
Disposition = For Resolution
597. Town Justices to Supervisor and Town Board –
Request for resolution to appoint two individuals to the position of Part-Time Permanent Court Officer effective September 20, 2018.
Disposition = Resolution 9/17/18
598. Park Crew Chief to Supervisor and Town Board –
Request for resolution to appoint individuals to the position of part-time permanent employees for the fall/winter of 2018 in the Parks, Recreation & Forestry Department effective September 24, 2018.
Disposition = Resolution 9/17/18
599. Gordon Ederer to Town Board –
Request for 6-foot privacy fence to be installed at the rear of his property bordering Oxford Place Park. Disposition = Received & Filed
600. Code Enforcement Officer to Town Board –
Request for sidewalk waiver for a new residence at 4841 William Street.
Disposition = Resolution 9/17/18
601. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed

- 602. Parks Crew Chief to Town Board –**
Request for resolution to purchase 3 Custom Shelter Design 8' X 8' structures for the pickle ball area at the Senior Center from Superior Recreational Products, 1050 Columbia Dr., Carrollton, GA. Disposition = For Resolution
- 603. Parks Crew Chief to Town Board –**
Request for resolution to award Rich's Sports Fields, Inc., 110 Pavement Road, Lancaster, NY the job to install clay brick batters/catchers boxes on the 8 softball diamonds at Walden Pond Park. Disposition = For Resolution
- 604. Code Enforcement Officer to Town Board –**
Recommend issuance of Special Use Permit to Verizon Wireless, 5393 William St. for co-location of equipment on an existing cell tower. Disposition = For Resolution

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER GACZEWSKI AND SECONDED BY
COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned in memory
of James F. Brown, Robert L. Laney, Dolores Ligammare, Paul L. Nowak and Leni J.
Rusinski at 8:45 P.M.

Signed _____

Diane M. Terranova, Town Clerk